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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

THOMAS V. RANKIN, M.D.

Respondent

FINAL DECISION AND ORDER

LS00051910MED

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Thomas V. Rankin, M.D.

900 West Clairemont Avenue

Eau Claire, WI 54701

Medical Examining Board

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

This proceeding was commenced by the filing of a Notice of Hearing and Complaint on June 20, 2000, and a hearing was held in the matter on August 29, 2000. Attorney Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Atty. William R. Wick, Nash, Spindler, Grimstad & McCracken, appeared on behalf of the respondent. The hearing transcript was filed on September 4, 2000, and the Proposed Decision of the Administrative Law Judge was filed on October 4, 2000. Both parties filed objections to the Proposed Decision and oral arguments on the objections were heard by the board on November 15, 2000. The board considered the matter on that date.

Based upon the entire record herein, the board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Thomas V. Rankin, M.D. (d.o.b., 04/25/42) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #34869). This license was first granted on September 23, 1993.
2. Dr. Rankin's most recent address on file with the Wisconsin Medical Examining Board is 900 West Clairemont Avenue, Eau Claire, WI 54701.
3. On or about August 4, 1993, Dr. Rankin submitted an application for a license to practice medicine and surgery to the Wisconsin Medical Examining Board.
4. On or about September 23, 1993, the Wisconsin Medical Examining Board approved Dr. Rankin's application and granted him a license (#34869).
5. The application for licensure submitted by Dr. Rankin was completed by his medical assistant, Gail Kaye, at his

request. In response to question 9 on page 4 of the application, an "x" mark was placed in the box under the "No" column. Question number 9 reads as follows:

Have you ever entered a plea of guilty or no contest to a misdemeanor or felony or had a jury verdict of guilty, court finding of guilty or judgment of conviction against you for a misdemeanor or felony? If yes, give details on attached sheet.

6. The answer that Dr. Rankin gave on his application in response to the question described in paragraph 5 above is false.

7. On or about May 5, 1988, Dr. Rankin was convicted of 27 misdemeanors (9 counts of forgery, 9 counts of false sales tax returns, and 9 counts of false reports) in York County, Pennsylvania. These convictions were related to the payment of sales tax on 9 motor vehicles purchased by Dr. Rankin. Each of the vehicle purchases involved preparation and submission of forged documents (Vehicle Sales Tax Returns and vehicle sales invoices) by Dr. Rankin. On or about August 4, 1988, Dr. Rankin was sentenced to two years probation and ordered to pay a fine in the amount of eighteen thousand dollars.

8. Dr. Rankin's conduct in failing to disclosure his criminal convictions caused a false statement to be made and presented to the Board in connection with his application for licensure.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.02 (3) Wis. Stats., and s. Med 10.02 (2) Wis. Adm. Code.
2. Respondent's conduct as described in Findings of Fact 5, 6, 7 and 8 herein, constitutes unprofessional conduct within the meaning of s. Med 10.02 (2)(c), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license to practice medicine and surgery of Thomas A. Rankin, M.D., be, and hereby is, revoked.

IT IS FURTHER ORDERED that pursuant to s. 440.22 Wis. Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective immediately.

EXPLANATION OF VARIANCE

The board has accepted the Findings of Fact and Conclusions of Law set forth in the Proposed Decision of the Administrative Law Judge (ALJ). The board has not accepted the ALJ's recommended discipline, however, and instead concludes that the disciplinary objectives militate for revocation of the license.

It is well established that the objective of licensing discipline is the protection of the public by promoting the rehabilitation of the licensee and by deterring other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1968). Were the board to accept respondent's claim that his medical assistant filled out his application for a Wisconsin license and that he did not read it before signing, then there would be little basis for imposing discipline of any kind. The board does not, however, accept that claim. His representation that he signed the application without reading it is inherently not credible, especially given that the signature he affixed is attached to his affidavit, which states as follows:

I, the above-named applicant, state that I am the person referred to in this application, and that all the statements herein contained are each and all strictly true in every respect, and that the photograph submitted with this application is a true likeness of me. I understand that false or forger statements made in connection with this application may be grounds for revocation of my license.

In reaching its conclusion that the false statement was made intentionally, the board finds significance in the fact that the conviction which respondent concealed from the board was a conviction for submission to the State of Pennsylvania of false and fraudulent documents which he swore before a notary public were true. Any presumption of veracity is rebutted by the fact that respondent has been found to have submitted such fraudulent sales documents with no other motivation than simple petty greed. That is certainly a less compelling motive to lie than the possible denial of his license application had he admitted the conviction. Respondent has selected as his defense the only possible alternative to admitting having perpetrated an intentional fraud on the board, and the implausible nature of that defense compounds the violation.

The board and the department do not have the resources to do complete background checks on the thousands of licensure applicants processed each year. Examining boards must perforce rely upon the honesty of applicants in completing their applications. For the most part, that reliance appears to be well placed; discovering a fraudulent application is a relatively rare event. When one is discovered, however, it is important to take strong and decisive action. To do otherwise will encourage submission of fraudulent applications and, ultimately, could undermine the public's faith in the licensure process. The board therefore deems it necessary to revoke Dr. Rankin's license.

Dated this 25th day of November, 2000.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

Secretary